

RESOLUTION NO. 88- 134

BEFORE THE CITY COUNCIL OF THE CITY OF
LODI, CALIFORNIA

A RESOLUTION OF INTENTION TO LEVY REASSESSMENTS AND
TO ISSUE REFUNDING BONDS UPON THE SECURITY THEREOF

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1
(REASSESSMENT AND REFUNDING OF 1988)

RESOLVED, by the City Council of the City of Lodi, California, that

1. In its opinion the public interest, convenience and necessity require and that it is the intention of said Council to order the refunding and retirement of outstanding bonds, designated "Improvement Bonds, Turner Road and Cluff Avenue Assessment District No. 1, City of Lodi, California, Bond Series 1981-1," dated December 23, 1981, issued in the original principal amounts, maturity dates, and bearing interest at the rates as shown in Exhibit A hereto attached (the "Refunded Bonds"), pursuant to proceedings under Resolution of Intention No. 81-39, adopted by this Council on April 15, 1981, and the levy of reassessments as security for the refunding bonds to be issued for the costs and expenses thereof.

2. Except as herein otherwise provided for the issuance of bonds, the proceedings for the levy and collection of reassessments as security for the refunding bonds to be issued shall be conducted pursuant to the Refunding Act of 1984 for 1915 Act Improvement Bonds (the "Act") as contained in Division 11.5 of the Streets and Highways Code (commencing with § 9500).

3. Said contemplated reassessments and refunding, in the opinion of this Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable as hereinafter set forth upon an assessment district, the exterior boundaries of which district are delineated upon a map thereof, entitled, "Amended District Boundary Turner Road and Cluff Avenue Assessment District No. 1", heretofore filed in the office of the City Clerk of said City, and in the office of the County Recorder of San Joaquin County, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the assessment district and shall govern for all details as to the extent thereof.

4. This Council further declares that all public streets, highways, lanes and alleys within said assessment district in use in the performance of a public function, and all lands owned by any public entity, including the United States and the State of California, or any departments thereof, shall be omitted from the reassessment hereafter to be made to cover the costs and expenses of said refunding.

5. The costs and expenses of issuing the refunding bonds shall include the following:

(a) All expenses incident to the calling, retiring, or paying of the bonds to be refunded and to the issuance of refunding bonds, including bond counsel, financial consultants, underwriters, and rating agency fees, printing and advertising costs, city administrative expenses, and the charges of any escrow agent or trustee in connection with the issuance of the refunding bonds or in connection with the redemption or retirement of the bonds to be refunded;

(b) Interest upon the refunding bonds from the September 2 next preceding the date of sale thereof to no later than the September 2 next succeeding two years from the date;

(c) Any accrued and unpaid interest on the bonds to be refunded;

(d) Any premium necessary in the calling or retiring of the bonds to be refunded.

6. The proposed reassessment and refunding are hereby referred to Morton & Pitalo, Inc., Sacramento, California, Engineer, being a competent firm employed by said City for that purpose; and said Engineer is hereby directed to make and file with the Clerk of this City a report in writing, presenting the following:

(a) A schedule setting forth the unpaid principal and interest on the bonds to be refunded and the total amounts thereof;

(b) The total estimated principal amount of the reassessment and of the refunding bonds and the maximum interest rate thereon, together with an estimate of cost of the reassessment and of issuing the refunding bonds, including all costs of issuing the refunding bonds as defined by subdivision (a) of Section 9600 of the Act;

(c) The auditor's record maintained pursuant to Section 8682 of the Streets and Highways Code showing the schedule of principal installments and interest on all unpaid original assessments and the total amounts thereof. Reference is hereby made to the auditor's record on file in the office of the City Director of Finance; said report shall be deemed to include said record by this reference for purposes of these proceedings;

(d) The estimated amount of each reassessment, identified by reassessment number corresponding to the reassessment number on the reassessment diagram, together with a proposed auditor's record for the reassessment prepared in the manner described in said Section 8682;

(e) A reassessment diagram showing the assessment district and the boundaries and dimensions of the subdivisions of land within the district. Each subdivision, including each separate condominium interest as defined in Section 783 of the Civil Code of the State of California, shall be given a separate number upon the diagram.

When any portion or percentage of the costs and expenses of the refunding and reassessment is to be paid from sources other than reassessments, the amount of such portion or percentage shall first be deducted from the total estimated costs and expenses, and the reassessments shall include only the remainder of the estimated costs and expenses.

7. Notice is hereby given that serial bonds to represent the reassessments, and bear interest at a rate not to exceed twelve percent (12%) per annum, will be issued hereunder in the manner provided by the Act. The applicable provisions of Part 11.1 of the Improvement Bond Act of 1915, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply. The last installment of such bonds shall mature on September 2, 1994, principal and interest to be reasonably amortized, the proceeds of said bonds to be invested and interest thereon paid into the redemption fund of said bonds.

8. The Council finds and declares that a special reserve fund as provided in Part 16 of Division 10 of the Streets and Highways Code shall be required, the amount thereof to be fixed and determined upon the sale of the refunding bonds.

Said Council hereby covenants with the holders of said refunding bonds to be issued herein that it will, within a reasonable time following the due date of any delinquent installment of assessments securing the bonds to be issued, commence and thereafter diligently prosecute to completion a foreclosure action regarding such delinquent installment of assessment.

9. The firm of Wulff, Hansen & Co., San Francisco, California, is hereby designated managing underwriter for purposes of the proposed refunding.

10. If any excess shall be realized from the reassessment, it shall be used in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes:

(a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment in accordance with the provisions of Section 10427.1 of the Streets and Highways Code;

(c) To reimburse the City for any contributions or advances to or for the reassessment fund that were not pledged in this Resolution of Intention.

DATED: September 28, 1988.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 88- 134 was passed and adopted at a regular meeting of the City Council of the City of Lodi, held September 28, 1988, by the following vote:

AYES: Councilmembers -Hinchman, Reid, Snider and Pinkerton (Mayor)

NOES: Councilmembers -None

ABSENT: Councilmembers -Olson

ABSTENTIONS: Councilmembers -None



ALICE M. REIMCHE, City Clerk